

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOHN DANIEL
Plaintiff

V.

UNIVERSAL ENSCO, INC.
Defendant

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CIVIL ACTION NO. 4:09-CV-04140

PLAINTIFF'S SECOND AMENDED RULE 26 DISCLOSURES

COMES NOW, Plaintiff John Daniel, and files his Amended Rule 26 Disclosures in accordance with the Federal Rules of Civil Procedure.

1. Rule 26(a)(1)(A)

Persons with knowledge of Plaintiff's claim made the basis of this suit:

John Daniel

Mr. Daniel is the Plaintiff in this suit and has knowledge of pertinent facts concerning his case.

Pano Zhonga

Vice President and Director of Facilities Group, UEI

Mr. Zhonga may have knowledge of relevant facts in this case.

John Andrus

Senior Vice President, UEI

Mr. Andrus may have knowledge of relevant facts in this case.

Nieves Soto

Lead Electrical Engineer, Head of Electrical Department, Facilities Group, UEI.

Mr. Soto may have knowledge of relevant facts in this case.

Elvin Roches

Lead Electrical Engineer, Head of Electrical Department, Facilities Group, UEI.

Mr. Roches may have knowledge of relevant facts in this case.

Andres Ferro

Lead Civil Engineer, Head of Civil & Structural Department, Facilities Group, UEI.

Mr. Ferro may have knowledge of relevant facts in this case.

Sherri Manning
Vice President, Human Resources, UP Holding
Ms. Manning may have knowledge of relevant facts in this case.

Jerry Mayfield
President and CEO, UP Holdings
Mr. Mayfield may have knowledge of relevant facts in this case.

Tony Blandford
Delhi Project Manager, Gulf South Pipeline Co.
Mr. Blandford may have knowledge of relevant facts in this case.

Sherry Taylor
Team Lead Delhi Project, Gulf South Pipeline Co.
Ms. Taylor may have knowledge of relevant facts in this case.

David O'Brien
Manager Goodrich & Orange Projects, Enbridge Pipeline Co.
Mr. O'Brien may have knowledge of relevant facts in this case.

2. Rule 26(a)(1)(B)

See attached redacted documents. Plaintiff will supplement.

3. Rule 26(a)(1)C

Plaintiff has lost wages in the past of \$164,444.00. Plaintiff was terminated on or about February 13, 2009. Plaintiff earned \$129,333.00 per year. His total lost wages from Defendant are \$172,444.00, less approximately \$8,000.00 earned at a job for one month, resulting in total past lost wages of \$164,444.00 through June 15, 2010. Plaintiff projects economic loss for the next four(4) years of \$517,332.00 (calculated at \$129,333.00 x 4). Total economic loss is the sum of \$681,776.00. Plaintiff seeks exemplary damages of \$300,000.00, plus an additional amount to be determined by the jury for mental anguish, and loss of enjoyment of life and related damages which may be awarded for violation of Title VII.

Plaintiff incurred further economic loss in regard to attempting to mitigate his loss by moving to obtain new employment:

| | |
|--------------------------------|-------------|
| Rent | \$918.00 |
| Penalty for early move out | \$4,568.00 |
| Car expenses, gas, repair, etc | \$1,453.00 |
| Hotel and air ticket | \$1,126.00 |
| Moving expense | \$5,200.00 |
| <hr/> | |
| Total | \$13,265.00 |

4. Rule 26(a)(1)(D)

None

5. Rule 26(2)(A)

See response to Rule 26(a)(1)(A). Plaintiff has not yet determined which witnesses will be called at trial.

6. Rule 26(2)(B)

Plaintiff has not yet designated all experts. It is anticipated that Mr. Patterson will testify as to attorney's fees, the preparation and hearing of this matter. Mr. Patterson will testify that the rate of \$475.00 an hour is a reasonable fee for his service and \$100.00 per hour for legal assistants. Plaintiff will supplement with expert information and the reports once experts have been determined.

Respectfully submitted,

By: /s/ Glenn W. Patterson, Jr.
 Glenn W. Patterson, Jr.
 State Bar No. 15612500
 11 Greenway Plaza, Suite 2820
 Houston, Texas 77046
 (713) 961-1200
 (713) 961-0941 (Fax)

ATTORNEY FOR PLAINTIFF JOHN DANIEL

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was sent electronically to opposing counsel via the Court's CMF electronic notification system on June 11th, 2010.

Charles H. Wilson
Epstein Becker Green Wickliff & Hall, P.C.
Wells Fargo Plaza
1000 Louisiana, Suite 5400
Houston, Texas 77002-5013

/s/ Glenn W. Patterson, Jr.

Glenn W. Patterson, Jr.